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LETTER DATED 21 FEBRUARY 1991 FROM THE PERMANENT REPRESENTATIVES OF AUSTRALIA, CANADA, JAPAN, POLAND AND THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the undersigned Governments wish to address themselves to the statement of the Foreign Ministry of the Democratic People's Republic of Korea, issued on 16 November 1990, and circulated as Security Council document S/21957 and International Atomic Energy Agency Board of Governors document GOV/INF/594.

The undersigned Governments call on the Government of the Democratic People's Republic of Korea to recall that Article III of the Treaty on the Non-Proliferation of Nuclear Weapons requires a non-nuclear-weapon State party to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, on all source and special nuclear material in all its peaceful nuclear activities. Equally clear is the obligation in Article III for the non-nuclear-weapon State party to have the agreement enter into force not later than eighteen months after the initiation of negotiations. A State party cannot condition this undertaking on the actions of another State party to the Treaty, on separate negotiations with another State, or on conclusion of another agreement such as one relating to a nuclear-weapons-free zone.

The undersigned Governments affirm that it is not acceptable that, in the above-mentioned statement, the Government of the Democratic People's Republic of Korea tries to justify its non-fulfilment of the Treaty on the Non-Proliferation of Nuclear Weapons obligations by conditioning it on the actions of another country. Moreover there is no basis for the Democratic People's Republic of Korea's implication that the United States is not fulfilling its treaty obligations by virtue of its security arrangement with the Republic of Korea. Nor is there any other basis for concluding that the United States has not discharged its obligations under the Treaty.

The Democratic People's Republic of Korea incorrectly implies that the International Atomic Energy Agency takes the position that the question of the safeguards agreement has not been solved because of relations between the Democratic People's Republic of Korea and the United States. The International

Atomic Energy Agency Secretariat has taken note that the Democratic People's Republic of Korea is conditioning its signature of the safeguards agreement on receipt of assurances from the United States regarding use of nuclear weapons and that the question of such assurances must be left to the two countries to work out. The International Atomic Energy Agency has not taken the position that conclusion of the safeguards agreement can legitimately be linked to such assurances.

The undersigned Governments call on the Democratic People's Republic of Korea to conclude and implement a full scope safeguards agreement with the International Atomic Energy Agency immediately and thus to fulfil its obligations as a State party to the Treaty on the Non-Proliferation of Nuclear Weapons.

We would appreciate it if you could arrange for this letter to be circulated as a document of the Security Council.

(Signed) Peter WILENSKI
Ambassador
Permanent Representative of
Australia to the United Nations

(Signed) L. Yves FORTIER, Q.C., O.C.
Ambassador
Permanent Representative of
Canada to the United Nations

(Signed) Yoshio HATANO
Ambassador
Permanent Representative of
Japan to the United Nations

(Signed) Dr. Stanislaw PAWLAK
Ambassador
Permanent Representative of
Poland to the United Nations

(Signed) Thomas R. PICKERING
Ambassador
Permanent Representative of the
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